

## REMARKS

1           In the Examiner's Office Action, the Examiner rejected and objected to the  
drawings, specification and claims for various reasons. With regard to paragraphs 3  
and 7 of the Office Action, the applicants have made the appropriate amendments as  
5       set forth above. With regard to paragraphs 1-2 and 4-6, applicants believe that the  
Examiner has misconstrued the applicants' invention. Applicants sincerely hope that  
the following explanation further clarifies the present invention and alleviates the  
Examiner's concerns.

10           The specification describes a pair of lower control arms 20 and 22 which are  
positioned below a stabilizer bar assembly 44 which is comprised of a base portion 46  
having generally forwardly extending end portions 48 and 50 with the end portions 48  
and 50 functioning as upper control arms. As applicants have shown in the drawings,  
the lower control arms 20 and 22 are located below the stabilizer arm assembly 44.  
15       However, the specification also teaches that "although the embodiment illustrated and  
described combines the functions of the upper control arms and a stabilizer bar, the  
system could combine the functions of the lower control arms and the stabilizer bar with  
independent upper control arms." In other words, the stabilizer bar assembly may be  
20       positioned below a pair of upper control arms with the end portions 48 and 50  
functioning as lower control arms in that embodiment. A person of ordinary skill in the  
art would understand that this simply means that the vertical relationship of the control  
arms and stabilizer bar assembly is simply reversed. As is commonly understood in  
25       patent law, the reversal of parts is within the knowledge of a person of ordinary skill in

1 the art. See In re Gazda, 104 USPQ2d 400 (CCPA 1995). Accordingly, applicants  
believe that the specification is correct and that claims 6 and 7 are enabling.

5 Regarding the drawings, applicants assert that they do show every feature of the  
claims. The control arms and the stabilizer arm are clearly depicted in the figures. The  
mere fact that the position of the two elements can be reversed does not equate to a  
completely separate structure or feature of an invention warranting a completely  
separate depiction of the invention. Such a reversal is within the knowledge of a person  
of ordinary skill in the art. See In re Gazda, 104 USPQ2d 400 (CCPA 1995). The  
10 rearrangement of the elements is clear from the specification and the drawings are  
entirely clear to a person of ordinary skill in the art. Accordingly, applicants hope that  
the aforementioned alleviates the Examiner's concerns recited in paragraphs 1-2 and 4-  
6 of the Office Action.

15 The Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as being  
unpatentable over Yarrow in view of Stuart. Claims 4 and 5 were rejected under 35  
U.S.C. § 103(a) as being unpatentable over Yarrow in view of Stuart and further in view  
of Paul. Applicants respectfully disagree with the Examiner's rejections insofar as the  
Examiner is not considering the applicants' invention as a whole.

20 In determining the differences between the prior art and the claims, the question  
under 35 U.S.C. § 103 is not whether the differences themselves would have been  
obvious, but whether the claimed invention as a whole would have been obvious. See,  
Stratoflex Inc. v. Aeroquip Corp., 218 USPQ 871 (Fed. Cir. 1983). Distilling an invention  
down to the "gist" or "thrust" of an invention, disregards the requirement of analyzing the  
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1 subject matter "as a whole". See, W. L. Gore and Associates Inc. v. Garlock Inc., 220  
USPQ 303 (Fed. Cir. 1983). Here, the Examiner has merely distilled the applicants'  
invention down to its "gist" and has failed to consider the invention as a whole. In the  
Examiner's rejection, the Examiner cites to Stuart as teaching a stabilizer for a vehicle  
5 and Yarrow is teaching a torque arm for an air spring. The Examiner argues that these  
elements could somehow be arranged and connected to a vehicle to come up with the  
applicants' invention.

10 The Examiner has overlooked the fact that applicants are not claiming to be the  
inventors of a torque arm or a stabilizer arm. Such structure is well known in the art.  
Also, applicants do not claim that the present invention is simply a torque arm and a  
stabilizer arm. Applicants' have invented a parallelogram suspension system that is not  
taught or otherwise rendered obvious in any manner by the Examiner's art. The  
applicants' device includes a control arm and a stabilizer arm which takes the place of  
15 one of the control arms of the parallelogram system. The control arm and the stabilizer  
arm are coupled to brackets at their forward and rearward ends. The transverse portion  
of the stabilizer arm is coupled to the axle support. The Examiner must cite prior art  
that makes this combination obvious.

20 The Examiner has totally disregarded the unique orientation and couplings that  
allow the orientation of the present invention. Here, the Examiner has merely picked  
various elements from various patents and pointed out that they are the same elements  
of the present invention. However, the Examiner has failed to show any teaching or  
suggestion of the combination of elements as disclosed in the present invention. The  
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1 Examiner has not shown any suggestion of a type of parallelogram suspension system  
with torque arms and a stabilizer arm that is coupled to a vehicle frame in the same  
arrangement as shown in the present invention.

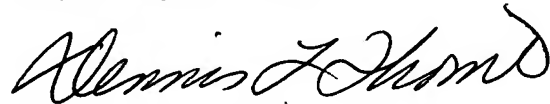
5 For argument purposes, if Yarrow and Stuart could be combined in the manner  
suggested, the combination would not work. There is no teaching in either of the prior  
art patents as to the orientation of the torque arm with respect to a stabilizer arm and air  
spring. Furthermore, there is no teaching as to how the elements could be coupled to  
the frame to facilitate a parallelogram system. There is also no teaching that one set of  
the legs of the parallelogram system is a stabilizer bar.

10 The claims of the present invention make evident this novel structure. Claims 1  
and 6 cite "first and second upper control arms", "mounting brackets" and "a stabilizer  
bar assembly". These claims also recite the manner in which the control arms and  
stabilizers are mounted to the axle assembly and mounting brackets. The Examiner's  
15 cited art does not teach or render obvious this combination of elements. The Examiner  
is merely citing prior art that contains similar elements as the present invention - not  
prior art that teaches the specific combination set forth in the claims. This argument by  
the Examiner completely disregards the applicants' invention as a whole. Accordingly,  
applicants believe claims 1 and 6 are allowable and insofar as claim 2-5 and 7  
20 ultimately depend from claims 1 and 6, the same are also thought to be allowable.

25 In light of the above amendments and remarks, applicants assert that the claims  
distinguish the Examiner's cited art. Applicants respectfully request reconsideration and  
allowance of the same.

1 No fees or extensions of time are believed to be due in connection with this  
amendment; however, please consider this a request for any extension inadvertently  
omitted, and charge any additional fees to Deposit Account No. 502093.

5 Respectfully submitted,



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15 I hereby certify that the original of this AMENDMENT for DAVID S. VANDER  
KOOI, ET AL., Serial No. 10/082,033, was mailed by first class mail, postage prepaid, to  
Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 on this 9<sup>th</sup> day of Oct, 2003.

  
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